

United States Courts
Southern District of Texas
FILED

AUG 9 2018

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

Ana Maria UGALDE

CRIMINAL COMPLAINT

Case Number: 2:18mj3092

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 8/7/2018 in Brooks County, in the

(Date)

Southern District of Texas defendant(s), **Ana Maria UGALDE**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Julio R. Zuniga

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Julio R. Zuniga
Signature of Complainant

Julio R. Zuniga
Printed Name of Complainant

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

August 9, 2018

Date

1:20 pmB. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

B. Janice Ellington
Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

PROBABLE CAUSE / FACTS:

On August 7, 2018 Border Patrol Agent's (BPA) Brady Pratt and Mark Triumph were working roving patrol duties south of the U.S. Border Patrol Checkpoint on U.S. Highway 281 near Falfurrias, Texas.

At approximately 10:50 p.m., BPA's Pratt and Triumph were responding to a report of possible inadmissible aliens south of the Falfurrias checkpoint on the west side of U.S. Highway 281. At that time, agents observed a dark in color compact car parked on the northbound shoulder of Highway 281 about a half mile south of the Falfurrias Checkpoint. Based on previous training and experience working in the Falfurrias area of responsibility, this location in close proximity to the Falfurrias checkpoint is commonly used as a point of reference to drop off illegal aliens.

For safety precautions and in order to alert northbound vehicles traveling on Highway 281, BPA's Pratt and Triumph activated their emergency equipment lights to conduct a welfare check. BPA Pratt pulled up to the passenger side of the vehicle and asked the driver, later identified as Ana Maria UGALDE, if she was okay and UGALDE stated that she was safe but her vehicle's front passenger side tire had blown out. BPA's Pratt and Triumph then exited their marked service vehicle to assist UGALDE.

For officer safety, BPA Pratt utilized his flashlight to look inside the vehicle and noticed one visible occupant laying on the floor of the backseat underneath a large black duffle bag. BPA Pratt asked UGALDE who else was in the vehicle and she responded that no one else was with her. Due to the observation of someone covered in the backseat, BPA Pratt asked UGALDE a second time if anyone was traveling with her and UGALDE then stated that she had picked up the vehicle from a friend's house and was traveling by herself to San Marcos, Texas.

UGALDE was then secured for officer safety purposes and BPA Pratt radioed to the Falfurrias Checkpoint for backup. BPA Triumph asked UGALDE if she was a U. S. citizen and UGALDE replied that she was. BPA Triumph then asked UGALDE if she had any items in her pockets at which time she handed him her cellular phone. BPA Triumph then placed UGALDE in handcuffs and approximately five minutes later additional agents arrived on scene.

At this time, agents began to search the vehicle and attempted to move the duffel bag to remove the occupant located on the floor of the vehicle. Agents observed and felt the duffel bag begin to move in an uncharacteristic way as if there was a person inside of it. Agents immediately opened the duffel bag and found one male occupant inside who was later identified as K.M.M.C

(2002). Both K.M.M.C. and the subject who was hiding on the floor, later identified as Francisco LOPEZ-Ramos, were extracted from the vehicle and determined to be citizens of Guatemala illegally present in the United States. At that time, all subjects were placed under arrest and taken into the checkpoint for further processing.

MIRANDA RIGHTS WARNING:

Ana Maria UGALDE was read her Miranda Rights as per service form I-214 in her preferred language. UGALDE signed the Miranda Warning Rights form indicating she understood her rights and was willing to make a statement and answer questions without a lawyer present.

PRINCIPAL STATEMENT (Ana Maria UGALDE):

UGALDE stated that she made arrangements to smuggle illegal aliens for \$1,200.00 (USD) per person. UGALDE stated that her instructions were to drive to the first Stripes store once she was passed the checkpoint and wait for further instructions.

UGALDE stated she picked up the car and was supposed to smuggle the aliens the night before but she was told not to due to some problems. UGALDE stated she asked a friend to get her a hotel room and took the illegals with her. UGALDE stated they stayed with her for about a day until she was told it was good to go. UGALDE stated she then drove north but had a blowout then she was apprehended by Border Patrol.

UGALDE further stated that she estimated she had successfully smuggled illegal aliens through either the Falfurrias or Sarita Border Patrol Checkpoints approximately twenty times. UGALDE stated that on average she was paid \$1,000.00 to \$1,200.00 (USD) per illegal alien to smuggle them north.

MIRANDA RIGHTS WARNING:

Francisco LOPEZ-Ramos and K.M.M.C. were read their Miranda Rights as per service form I-214 in their preferred language. Both subjects signed the Miranda Warning Rights form indicating they understood their rights and were willing to answer questions without a lawyer present.

MATERIAL WITNESS STATEMENT (Francisco LOPEZ-Ramos):

LOPEZ stated he illegally crossed the Rio Grande River into the United States on or about July 31, 2018 and was taken to a trailer house. LOPEZ stated that the juvenile male that he was apprehended with (K.M.M.C.) showed up shortly after. LOPEZ stated he was there for approximately seven days and that the driver of the vehicle he was arrested in was the caretaker while he was in the trailer.

LOPEZ stated on the day of his arrest that he was hidden in the backseat with the juvenile on top of him. LOPEZ stated that once in the vehicle they left and he heard something wrong with the

vehicle. LOPEZ stated that from the time they left to when they pulled over on the side of the road was approximately an hour.

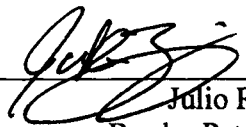
LOPEZ was shown a photo lineup and positively identified Ana Marie UGALDE as the caretaker and driver of the vehicle he was arrested in.

MATERIAL WITNESS STATEMENT (K.M.M.C.):

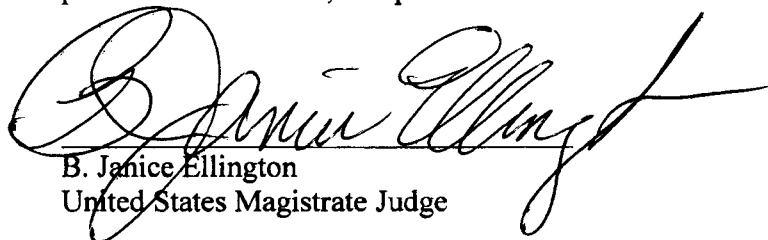
K.M.M.C. stated that he could not really remember how many days ago he illegally crossed the Rio Grande River into the United States. K.M.M.C. stated he was eventually picked up and taken to an unknown house. K.M.M.C. stated he was there for approximately 8-10 days. K.M.M.C. stated that he received a call to go outside and to look for a black car. K.M.M.C. stated he was instructed to get into the vehicle and to hide inside the suitcase that was in there. K.M.M.C. stated that approximately 10 minutes later, he felt the vehicle move. K.M.M.C. stated he felt it travel for approximately 3-4 hours until hearing the tire blow out. K.M.M.C. stated that 5-6 minutes later, the immigrations agents arrived. K.M.M.C. stated that before he was taken out of the suitcase, he felt really bad like he was going to die and felt like his body was weakening. K.M.M.C. stated he was removed from the vehicle and placed under arrest and that is when he saw the "muchacha", (UGALDE).

DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Julie Hampton who accepted Ana Maria UGALDE for prosecution of 8 USC 1324, Alien Smuggling. Francisco LOPEZ-Ramos and K.M.M.C. will be held as material witnesses in this case.


Julio R. Zuniga
Border Patrol Agent

Submitted by reliable electronic means,
sworn to, signature attested telephonically
per Fed.R.Crim.P.4.1, and probable cause found:


B. Janice Ellington
United States Magistrate Judge